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PLANNING AND DEVELOPMENT SERVICES REPORT

DATE: December 20, 2000

TO: Orange County Planning Commission

FROM: P&DSD/Current Planning Services Division

SUBJECT: Public Hearing on Planning Applications PA 00-0111, PA 00-0113 and PA 00-0114

PROPOSAL: Three Coastal Development Permits to permit development of Phase IV-4 (Planning Areas 2C, 5 and 6) in the Newport Coast Planned Community/LCP including: 1) construction of 228 dwelling units (DU) and local park sites in Planning Areas 2C and 6 (PA 00-0111); 2) construction of 83 DU's in Development Area (DA) 5B (PA 00-0113); and, 3) construction of 73 DU in DA 5A (PA 00-0114). The applications also provide for approval of common area structures and facilities, including model home complex locations, a private recreation facility to serve the residents, controlled access entry structures, infrastructure and drainage improvements, conceptual landscape plans and fuel modification improvements. This proposal is also associated with Vesting Tentative Tract Map 15811 and serve as basis for approval of "A" Map 16167 for conveyance purposes within Planning Area 2C.

This application requests a modification to the development standard for garage entry locations within the Newport Coast Planned Community / LCP. The request would permit garage entry locations at 7 feet or less or 18 feet or more from the back of sidewalk, or curb if there is no sidewalk, in conformance with Section 7-9-137.1(a) of the Orange County Zoning Code.

LOCATION: The project site is generally bound by Crystal Cove State Park (PA17) to the southeast, Los Trancos Canyon, Signal Peak and the balance of Planning Area 2C to the northwest, and the Planned Community / coastal zone boundary to northeast. The project is located within the Fifth Supervisorial District.

APPLICANT: Irvine Community Development Company

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SYNOPSIS: P&DSD/Current Planning Services Division has determined that this proposal is in conformance with the site development regulations of the Newport Coast Planned Community/Local Coastal Program and recommends Planning Commission adoption of the attached Resolutions approving the proposed applications.

MCDP 7TH AMENDMENT BACKGROUND/STATUS

The following discussions are intended to provide an abbreviated history of the project area in order to give background for the application under consideration.

Background of MCDP 7th Amendment

The majority of the project area was previously reviewed as a portion of Master Coastal Development Permit – Seventh Amendment (PA 970152), which was approved by the Planning Commission on July 21, 1998. That MCDP included Phases IV-3 and IV-4 of the Newport Coast Planned Community, or more specifically, Planning Areas 4A, 4B, 5, 6, 12C, 12E and 12G. Within that County approval, only a portion of the undeveloped balance of Planning Area 2C was included as an offsite grading area, where the current application includes all of the undeveloped balance of PA 2C.

Appeal of MCDP 7th Amendment

Subsequent to the County's approval an appeal was filed with the California Coastal Commission, which had the effect of (temporarily) vacating the County's approval of the MCDP-7th Amendment. In response to that appeal, The Irvine Company conducted extensive studies over 18 months in many different scientific areas. These studies were performed in concert with the California Coastal Commission, the State Department of Parks and Recreation, state and local water quality boards, and many other agencies and third party technical experts. Some of these studies resulted in a number of relatively minor land plan redesigns (discussed below). As a result of these efforts, the Coastal Commission unanimously approved a coastal development permit (A5-IRC-99-301) for the revised project on August 10, 2000.

The project applicant continues to work with the Coastal Commission staff regarding the necessary compliance for the 20 special conditions applied by the Coastal Commission. In addition, plans and specifications are being finalized for a technical amendment to the Coastal Commission-approved plan in response to new determinations involving runoff at the southernmost portion of the appeal area. However, County staff has received information from the Coastal Commission staff that has confirmed that the land plan for the subject application area will not be affected by any of these further efforts, and thus staff has based its review and assessment on the Coastal Commission-approved land plan for this area. However, final issuance of the permit by the Coastal Commission is not anticipated until early 2001.

Revisions to MCDP 7th Amendment Land Plan

In order to fully address the drainage issues raised in the appeal (as it affects the subject application), it was necessary for The Irvine Company to revise the land plan and to prepare to full subdivision-level design for PA's 2C, 5 and 6. Thus, the Coastal Commission's approval actually covered an area slightly larger than the original MCDP – 7th Amendment. Specifically, where the MCDP 7th Amendment was only a mass grading concept for PA 5, 6 and the undeveloped remainder of 2C, the Coastal Commission reviewed and approved full lotting plans (equivalent to tentative maps detail) for these areas.

In designing the tentative map for PA 2C, 5 and 6, certain geological conditions became known resulting in the need to expand the limits of grading of PA 5 into adjacent PA 12A. Such an accommodation of geologic conditions is allowed by the LCP 2nd Amendment, and the Coastal Commission considered this in their action. Additionally stemming from this adjustment, refinements were made to the Planned Community Statistical Table wherein acreages and dwelling units were shifted among different Planning

Areas. This included the removal of all allocated dwelling units from PA 6, reflecting the currently proposed local park and open space uses occupying all of this planning area. Again, all such adjustments were consistent with the provisions of the LCP and were considered and approved by the Coastal Commission.

The final land plan revisions within the subject application boundaries involve the inclusion of two storm water runoff detention basins, which are connected by a low flow riparian corridor which will provide a natural cleansing function for pollutants. These are just a few of the many significant drainage and water quality enhancements introduced throughout the appeal area that the Coastal Commission approved.

Effect of Coastal Commission's Action

With the Coastal Commission's August 10, 2000 approval of A5-IRC-99-301, the County-approved MCDP 7th Amendment is again in effect. The Coastal Commission's action does not replace, but rather supplements the County's previous action with additional information, studies and a slightly revised land plan. As is required for applications for construction-level CDP's, this staff report includes analysis and discussions regarding the consistency of the subject application with the precedent approvals of the MCDP 7th Amendment (as supplemented by the Coastal Commission's action) and the LCP 2nd Amendment. It should be noted that final Coastal Commission issuance of its permit is not expected to occur until February 2001.

Coastal Commission Permit Process

Some discussion is also appropriate regarding the differences between the Coastal Commission's approval and permit issuance process compared to that of the County. The Coastal Commission's processes include procedural terminology such as "granting" and "issuance". There is a common misunderstanding that a Coastal Commission-approved permit is not valid until the permit is issued. This is not the case, the permit is valid upon approval, but work may not start until it is issued. Thus, the underlying Coastal Commission action for the project area is valid, as is the reinstated MCDP 7th Amendment.

In the subject matter, the Coastal Commission has not yet issued the coastal development permit that it approved in August. The Coastal Commission staff will not issue the permit until all of the 20 special conditions attached to its approval have been met. The reason for this permit procedure is because an applicant will not need to return to the Coastal Commission for subsequent ministerial permits (i.e., grading, etc.). Therefore, this point in time is the best and perhaps only time where the Commission staff can enforce and assure compliance with their special conditions.

An appropriate analogy for this process is to compare the Coastal Commission's August 10th granting of the permit with the County Planning Commission's or Subdivision Committee's approval of a project with conditions. The subsequent Coastal Commission issuance of a CDP is identical to the County's PSDS issuance of a grading permit or clearance of a map recordation, that is, it is an action that is allowed only after all conditions have been met.

This is also consistent with County Zoning Code Section 7-9-118.4 "Coastal Development Permit Required" which states:

“...a building permit, grading permit, or encroachment permit shall not be issued prior to the issuance of a coastal development permit unless the project is categorically exempted per section

7-9-118.5.” (emphasis added)

Just as with most County discretionary approvals, a Coastal Commission approval generally expires two years from the date of the Commission’s action, unless it is extended or the work has commenced. The Coastal Commission’s August approval is similarly valid and in effect, as evidenced by the fact that the two-year “clock” starts upon the Commission’s approval action, not upon the issuance of the permit (Coastal Commission standard condition #2).

In summary, it is appropriate and consistent with standard procedural practices for your Commission to consider the subject application in reliance upon the Coastal Commission’s August 10th granting of the Coastal Development Permit for the MCDP 7th Amendment, even in advance of the issuance of the coastal development permit which would allow development or grading activities to commence. A condition is recommended that prohibits the issuance of any County grading permit prior to the issuance of the applicable coastal development permit by the Coastal Commission.

PROPOSED PROJECT BACKGROUND

All development projects within the coastal zone boundary of the Newport Coast Planned Community are subject to County approval of a Coastal Development Permit (CDP) in compliance with Chapter 10, "Discretionary Permits and Procedures" of The Newport Coast LCP and with the County's CD "Coastal Development" District Regulations (Orange County Zoning Code Section 7-9-118).

The Master CDP and subsequently approved amendments have facilitated master infrastructure and residential development in a majority of the area within the Newport Coast Planned Community. This CDP document has been prepared to address land use specifications. This will serve as the project level Coastal Development Permit for the precise grading of development pads and construction of all necessary infrastructure and neighborhood community collector roads and local streets to accommodate and for construction of residential, recreation and related accessory uses. This CDP also specifies the proposed number of dwelling units, proposed pad elevations, and the building envelopes of dwelling units to be constructed by establishing refined development plans within the planning subareas. Overall the project proposes development of 384 single family dwelling units (228 in PA 2C and 156 in PA 5), a private recreation facility, three model home sales complexes, a public local park, and two entry (guard gate) structures.

The planning areas included in this CDP include PA 2C(portion), 5, 6, 12A and 12E. It should be noted that PA 12G (Moro Sliver) is included within the boundaries of associated Vesting Tentative Tract Map 15811 for the purposes of facilitating its future dedication to public agencies. However, for the purposes of this CDP, because no physical changes or development improvements are proposed involving PA 12G, this planning area is not included in the analysis of any potential impacts, consistency with LCP policies or other discussion sections of this document.

The current proposal addresses an approximately 1,128 acres (gross) subarea of the Master CDP, including Open Space/Recreation Planning Areas. This CDP focuses on the Phase IV-4 area that is within the boundaries of the 7th Amendment (as revised and approved by the California Coastal Commission on August 10, 2000) and provides greater development detail than was previously considered. Where the 7th Amendment generally depicted proposed grading for the individual residential pads within this area, this proposal refines that approval to the traditional CDP-level final development details of building types and areas, collector and local streets, public and private recreational use, etc.

SURROUNDING LAND USE

Exhibit 2.1 of the Coastal Development Permit Submittal Package shows the proposed and existing land uses adjacent to the proposal. Additionally, Phase IV-4 (Planning Areas 2C, 5 and 6) is currently undeveloped hillside property overlooking the coastal shelf to the south. The site is largely in a natural state and contains barbed wire fences and scattered dirt roads that presently serve as utility and emergency access trails. Phase IV-4 slopes upward from an elevation of 710 feet at the toe of a slope within PA 5 (adjacent to PA 12E) to 1,100 feet at the northern boundary of Planning Area 2C. Proposed residential development areas range in pad elevations from 850 to 1,100 feet.

PUBLIC NOTICES AND REFERRAL FOR COMMENT

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site; and, governmental agencies, private organization and persons who have previously requested to receive notices for large scale developments within the Newport Coast PC. Notices are also required to be mailed to occupants within 100 feet of the site; however, there are no occupied dwellings within 100 feet of the project site. Additionally, two notices were posted at the site and a notice was posted where required by established public hearing posting procedures. Copies of the planning applications and copies of the proposed site plans were distributed for review and comment to twelve County Divisions, State Department of Fish and Game and the Friends of the Irvine Coast.

COMMENTS RECEIVED

Comments received were regulatory in nature and were included in the Conditions of Approval were appropriate. As of the preparation date of this report, Friends of the Irvine Coast had not submitted comments. They did comment on the environmental documentation.

CEQA COMPLIANCE

The proposed project is covered by Addendum to Certified FEIR 544A, prepared for Phase III, and Certified FEIR 569, prepared for Phase IV-3 and Phase IV-4, for these CDP applications. The Addendum incorporates California Coastal Commission Appeal of the 7th Amendment to the MCDP, Number A5-IRC-99-301, which pursuant to state law, serves as a substitute for a CEQA document. Together, the Final EIRs and the Addendum are adequate to address the environmental effects of the project. Prior to project approval, the decision-maker must assert that together they are adequate to satisfy the requirements of CEQA for the proposed project.

REVIEW AND ANALYSIS

The three Coastal Development Permits are summarized by the following sections. Detail descriptions of each Planning Area are contained within the Coastal Development Submittal Package.

PA00-0111 - Planning Areas 2C and 6

This 57.5-acre increment of PA 2C (Development Areas 2C-6 and 2C-7) is proposed to be developed with 228 single family homes, common area structures and facilities and accessory uses, including a model home complex and typical single family accessory uses and structures as permitted by the development regulations within the Newport Coast PC / LCP.

The development plan proposes small lot single-family homes clustered around cul-de-sacs and private drives. These single family homes may be detached or attached as illustrated, and as permitted by Residential Planning Area Development Regulations of the Newport Coast PC / LCP.

Within Planning Area 6, the LCP Second Amendment originally reflected an area of 80 acres and an estimated 75 units (0.93 du/ac.) for Low Density Residential. With the approval of the MCDP 7th Amendment (CDP A5-IRC-99-301), the Coastal Commission approved adjustment to the Planned Community Statistical Summary Table to reflect the transfer of 75 dwelling units originally anticipated in this area to other planning areas. This CDP proposes the development of no residential dwelling units on the adjusted 72.8 acres (gross) of the planning area. Rather than the residential development, open space uses (public local park and natural open space) are now proposed. The area will also include one of two entry structures to facilitate controlled access to the entire Phase IV-4 area.

Development in PA 6 will also be consistent with open space preservation commitments between the Irvine Company, Friends of the Irvine Coast, and other non-profit corporations per a settlement agreement reached in June 1997.

PA00-0114 - Planning Area 5A

The Coastal Development Permit for Planning Area 5A proposes 73 of the total 156 dwelling units with Planning Area 5. The development within this subarea will consist of 73 single family detached residential units along private streets and cul de sacs on lots that average 8,000 square feet in area. One model home site is anticipated within this area to facilitate the first sale of homes. Other improvements proposed within this subarea include: a private recreation facility to serve the residents, one of two entry structures to facilitate controlled access to the entire Phase IV-4 area, fuel modification improvements along the development edges, two detention basins and a riparian corridor between the two basin locations.

PA00-0113 - Planning Area 5B

The Coastal Development Permit for Planning Area 5B proposes 83 of the total 156 dwelling units with Planning Area 5. The development within this subarea will consist of 83 single family detached residential units along private streets and cul de sacs on lots that average 8,000 square feet in area. One model home site is anticipated within this area to facilitate the first sale of homes. Other improvements proposed within this subarea include: fuel modification improvements along the development edges and a combined utility access and secondary fire/emergency access connection.

Purpose and Scope of the Coastal Development Permits

The proposed overall intent of the proposed Coastal Development Permits, as discussed in detail within the Submittal Package Document, is to provide a construction level of detail necessary to facilitate the development of Phase IV-4 of the Newport Coast Planned Community. More specifically, this CDP provides for the following:

- Remedial and development grading, including construction of walls and grading on-site, along the edge and into Planning Area 12A in a manner consistent with the policies of the 1996-certified LCP - Second Amendment and the MCDP 7th Amendment;

- Construction of collector and local streets and infrastructure, including extension of Ridge Park Road;
- Construction of drainage and erosion control improvements recommended in the revised Master Drainage and Runoff Management Plan, and consistent with improvements approved by to the California Coastal Commission in response to the appeal of Master CDP 7th Amendment which addressed water quality, sediment transport, erosion and peak period discharge issues;
- Construction of domestic water storage, pump station and distribution system in accordance with the Irvine Ranch Water District's Newport Coast Subarea Master Plan;
- Construction of a wastewater collection system, including a lift station;
- Construction and/or relocation of master level utilities as well as construction of tract level utilities; and
- Establish an adequate level of information to establish the necessary Conceptual Fuel Modification Program for Development Areas located adjacent to areas of natural open space, in cooperation with the Orange County Fire Authority.
- Establish a conceptual landscape plan.

This CDP will also provide information, along with Vesting Tentative Tract Map No. 15811 and associated environmental documentation, to provide for the following project entitlements without subsequent Planning Commission or Zoning Administrator approvals:

- Provides for the development of 384 single family dwelling units and associated uses within Planning Areas 2C, 5 and 6, including model home sales complexes, entry (guard gate) structures, private recreational facilities (pool, spa, cabana/rec room, parking, etc.), public local park facilities (field and court sport areas, restroom/storage building, parking, minimal necessary safety and security lighting, etc.);
- Serves as a basis for the subdivision of Planning Areas 2C, 5, 6 and 12G through the approval of Vesting Tentative Tract Map No. 15811. This "B" Map will create individual lots (in PA 5 and 2C) for the construction of residential and recreational uses, park and open space lots (in PA 6) and other lots for dedication to the California Department of Parks and Recreation and the County of Orange. Is also will serve as the basis for approval of "A" map 16167 for large pads within PA 2C for conveyance purposes.
- Accommodates connection to a utility/emergency access road across PA 12A in order to provide for a necessary public safety and utility connection between NCPC Phase IV-3 and Phase IV-4;
- Construction of backbone domestic and reclaimed water distribution systems from existing storage facilities constructed by the Irvine Ranch Water District and the Irvine Community Development Company;
- Construction of a potential above-ground, interim water service line from Signal Peak;
- Construction of master- and tract-level drainage and sewer systems within proposed streets;
- Landform modification and other grading in support of proposed development including remedial grading, surrounding slopes, road alignments, retaining and loffel walls;
- Construction of water, reclaimed water, and sewer infrastructure in accordance with the Irvine Ranch Water District Subarea Master Plan;
- Construction of dry utilities to include cable, telephone, electricity, and natural gas lines to service the proposed residential and recreational uses.

The Coastal Development Submittal Package provides details and exhibits that further define the proposed development within the subject planning areas. Including master development plans, master

grading plans and exhibits, master drainage plans and exhibits, master circulation improvements, master utility improvements and master fuel modification and landscape plans.

Proposed Residential Density

Planning Area 2C is designated "Medium and High Density Residential" and has a density range of 3.5 to 6.5 dwelling units per acre. Principal permitted residential uses include detached and attached single-family dwellings and multi-family dwellings. A minimum land area of 2,500 square feet is required for detached and attached single-family developments. Planning Area 6 is designated as "Low Density Residential" and has a density range of 0 to 2.0 dwelling units per acre. Planning Area 5 is designated "Medium-Low Density Residential" and has a density range of 2.0 to 3.5 dwelling units per acre. The three Coastal Development Permits for construction level development in these four sub-planning areas is summarized as follows:

<u>Planning Application</u>	<u>Development Area</u>	<u>Acres</u>	<u>No. of Units</u>	<u>Avg. Lot Size (sq. ft.)</u>	<u>Density per acre</u>
PA 00-0111	2C (2C-6 & 2C-7)	57.5	228	2,500 minimum	4.0
	6	72.8	0	NA	NA
PA 00-0113	5B	135*	83	8,000	1.2*
PA 00-0114	5A	135*	73	8,000	1.2*

(Note: * This number reflects the total acres and overall density for all of Planning Area 5, combined 5A and 5B)

Additionally, Vesting Tentative Tract Map 15811 is associated with each of the Planning Applications. An "A" Map 16167 is also associated with Planning Area 2C for conveyance purposes of large pads.

Modified Development Standards

Within this application for Planning Areas 2C and 5, a request for modified development standards for garage placement is proposed. The Newport Coast Planned Community Text requires that the point of vehicular entry to a garage be a minimum distance of seven (7) feet or less, or twenty (20) feet or more from the back of sidewalk, or, if there is no sidewalk, from the back of curb. This application requests to modify the garage placement standards only to the extent that the garage placements permitted will conform to Section 7-9-137.1 of the Orange County Zoning Code. The applicant requests that the point of vehicular entry be allowed to be a distance of 18 feet or more, as measured from the back of sidewalk or back of curb, if no sidewalk exists. The O.C. Zoning Code allows the point of vehicular entry to be 18 feet if roll-up garage doors are provided with automatic garage door openers.

Consistency with MCDP 7th Amendment

The Master CDP - Seventh Amendment (PA 970152) for Phases IV-3 and IV-4 was approved by the Planning Commission on July 21, 1998 and consisted of Planning Areas 4A, 4B, 5, 6, 12C and 12E. The Seventh Amendment provided for the mass grading and backbone infrastructure installation for these areas. The County approval of the Seventh Amendment was appealed to the California Coastal Commission (A5-IRC-99-301). Appeal issues considered by the Coastal Commission dealt primarily with

drainage and (runoff) water quality issues. The Coastal Commission's subsequent approval of the Seventh Amendment on August 10, 2000 included revisions to the project to address issues raised. The Coastal Commission review and subsequent approval of the Seventh Amendment revised the Master CDP - 7th Amendment to include the aforementioned Planning Areas as well as portions of Planning Area 2C and Planning Area 15 of the Newport Ridge Planned Community for the purpose of proposed grading to create development pads and new detention basins in the context of the comprehensive master drainage and water quality plan. The MCDP - 7th Amendment also was revised by the Coastal Commission action to approve minor boundary adjustments and dwelling unit distribution between the subject planning areas and the respective modifications to the Planned Community Statistical Summary Table. The development proposals of this proposed Coastal Development Permit are consistent with the revisions to the Seventh Amendment, as approved by the California Coastal Commission.

RECOMMENDATION

P&DS/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Adopt the following Planning Commission Resolutions approving the Coastal Development Permits for the development of Planning Areas 2C, 5, and 6 of the Newport Coast Planned Community/Local Coastal Program:
 1. Resolution No. 00-09 for PA 00-0111- Planning Areas 2C and 6
 2. Resolution No. 00-10 for PA 00-0113 - Planning Area 5B
 3. Resolution No. 00-11 for PA 00-0114 – Planning Area 5A

Respectfully submitted,

John B. Buzas, Manager
Current Planning Services Division

EXHIBITS:

1. Environmental Documentation
2. Planning Application Submittal Package for Coastal Development Permits of development projects:

PA 00-0111 - Planning Areas 2C and 6

PA 00-0113 - Planning Area 5B

PA 00-0114 – Planning Area 5A
3. Submittal Package for Draft Planning Commission Resolutions including Findings and Conditions of Approval:

Resolution No. 00-09 for PA 00-0111- Planning Areas 2C and 6

Resolution No. 00-10 for PA 00-0113 - Planning Area 5B

Resolution No. 00-11 for PA 00-0114 – Planning Area 5A
4. Coastal Commission Correspondence

RESOLUTION OF THE ORANGE COUNTY PLANNING COMMISSION
COUNTY OF ORANGE, CALIFORNIA

RE: PA00-0113 (Planning Area 5B) – COASTAL DEVELOPMENT PERMIT
NEWPORT COAST PLANNED COMMUNITY
RES. NO. 00- 10

DATE OF ADOPTION:

December 20, 2000

On the motion of Commissioner FISK, duly seconded and carried, the following Resolution was adopted:

WHEREAS, in accordance with the California Coastal Act, the County of Orange has prepared a Local Coastal Program (LCP) for the portions of Newport Coast within the coastal zone; and

WHEREAS, the Orange County Board of Supervisors adopted the Irvine Coast LCP/Land Use Plan by Resolution No 87-1606 and the Irvine Coast LCP/Implementing Actions Program by Ordinance No. 3674 on December 2, 1987; and the California Coastal Commission certified the Newport Coast Local Coastal Program on January 14, 1988; and

WHEREAS, the Orange County Board of Supervisors adopted the Irvine Coast Development Agreement (DA 87-16) on April 20, 1988, in accordance with the policies and regulations set forth in the 1988 certified LCP; and

WHEREAS, the Orange County Board of Supervisors adopted the Second Amendment to Newport Coast LCP/Land Use Plan by Resolution No. 96-861 and the Second Amendment to the Newport Cost LCP/Implementing Actions Program by ordinance No. 96-3974 on December 3, 1996; and the California Coastal Commission certified the Newport Coast Local Coastal Program – Second Amendment on December 11, 1996 (referred to as the LCP henceforth); and

WHEREAS, the Orange County Board of Supervisors adopted the First Amendment to the Newport Coast Development Agreement (DA 87-16) on December 3, 1996, which enables the Irvine Company to build out the Newport Coast Planned Community over a 20-year period in accordance with the policies and regulations set forth in the 1988 certified LCP and 1996 Second Amendment; and

WHEREAS, the LCP – Second Amendment officially changed the name of the Planned Community from Irvine Coast to Newport Coast; and

WHEREAS, the Orange County Planning Commission approved Master CDP 88-11P by Resolution No. 88-46 on May 4, 1988; and

WHEREAS, the Orange County Planning Commission approved Master CDP – First and Second Amendments (CD 89-26P and CD 9005219001P) by Resolution 89-39 on October 16, 1989 and Resolution 90-19 on June 18, 1990; and

WHEREAS, the Orange County Planning Commission approved Master CDP – Third Amendment (CD900703001P) by Resolution 92-08 on March 11, 1992; and

WHEREAS, the Orange County Planning Commission approved Master CDP – Fourth Amendment (PA 94-0149) by Resolution 95-13 on June 27, 1995; and

WHEREAS, the Orange County Planning Commission approved Master CDP – Fifth Amendment (PA970076) by Resolution 97-06 on September 23, 1997; and

WHEREAS, the Orange County Planning Commission approved Master CDP – Sixth Amendment (PA970133) by Resolution 98-05 on May 5, 1998; and

WHEREAS, the Orange County Planning Commission approved Master CDP – Seventh Amendment (PA970152) by Resolution 98-09 on July 21, 1998; and

WHEREAS, an appeal of the Orange County Planning Commission approval of Master CDP - Seventh Amendment (PA970152) was filed on August 8, 1999 with the California Coastal Commission; and

WHEREAS, on August 10, 2000 the Coastal Commission did unanimously approve A5-IRC-99-301, a coastal development permit which supplements and revises the Master CDP - Seventh Amendment; and

WHEREAS, in connection with Coastal Development Permit A5-IRC-99-301 the Coastal Commission caused to be prepared and reviewed numerous technical studies evaluating the revised project in connection with the with the Commission's recognized status as a certified regulatory program under CEQA; and

WHEREAS, this construction level Coastal Development Permit is fully consistent with the approval of the Master Coastal Development Permit - 7th Amendment (A5-IRC-99-301) by the California Coastal Commission on August 10, 2000 and further implements the findings and actions mandated by the California Coastal Commission's approval, as contained in their Staff Report dated July 27, 2000 and as addended in a Staff Report dated August 8, 2000; and,

WHEREAS, the CD "Coastal Development" District Regulations, Section 7-9-118 of the Orange County Zoning Code requires that a Coastal Development Permit may be approved only after the approving authority has made the findings in the Orange County Zoning Code Section 7-9-150 and Section 7-9-118.6(e); and

WHEREAS, pursuant to California Government Code Section 65000 et seq. the County of Orange has an adopted General Plan which meets all of the requirements of state law; and

WHEREAS, in compliance with said laws a legally noticed public hearing was held by the Orange County Planning Commission on December 20, 2000 to consider Planning Application PA 00-0113 for Planning Area 5B proposed by The Irvine Company; and

WHEREAS, in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Administrative Code Sections 15000 et seq.) EIR No. 569 was prepared to evaluate the potential adverse environmental effects of the proposed project; and

WHEREAS, this Commission considered and certified Final EIR 569, finding pursuant to Resolution No. 98-08 that it adequately addresses all potential adverse environmental impacts of the proposed project and meets all the requirements of the CEQA statutes, the State CEQA Guidelines and County of Orange Environmental Guidelines as set forth in Resolution No. 98-08 adopted by the Orange County Planning Commission on July 21, 1998; and

WHEREAS, this environmental determination incorporates the action of the California Coastal Commission at the De Novo hearing of the Master Coastal Development Permit - 7th Amendment (A5-IRC-99-301) by the California Coastal Commission on August 10, 2000 including findings and conditions which serve as a functional equivalent of CEQA; and,

WHEREAS, additionally, the County of Orange prepared an Expanded Initial Study and Addendum to address the project specific impacts of PA 00-0113 and document its consistency with the action of the California Coastal Commission on August 10, 2000, and all previous County actions related to the project and project area.

NOW THEREFORE BE IT RESOLVED:

1. That this Commission has determined that FEIR 569 and the Addendum, as well as the Coastal Commission Staff Reports for CDP A5-IRC-99-301 dated July 27, 2000 and August 8, 2000, which under the Commission's certified regulatory program serve as the functional equivalent of the CEQA process, adequately address all potential adverse environmental impacts of the proposed project and meets all the requirements of the CEQA statutes, the State CEQA Guidelines and County of Orange Environmental Guidelines,.

2. That the Orange County Planning Commission hereby approves Planning Application PA 00-0113 for the Newport Coast CDP for Planning Area 5B of the Newport Coast Planned Community/Local Coastal Program subject to the Findings as set forth in Attachment A-1 and the Conditions of Approval as shown in Attachment A-2 to this resolution.
3. That the conditions adopted herein are reasonable related to the use of the property and necessary for appropriate development and operation of the uses permitted by the Newport Coast Local Coastal Program.

AYES: Fisk, Nielsen, Long, Goacher, McBurney

NOES: None

ABSENT: None

I HEREBY CERTIFY that the foregoing Resolution No. 00-10 was adopted on December 20, 2000 by the Orange County Planning Commission.

ORANGE COUNTY PLANNING COMMISSION

by John B. Buzas, Executive Officer

ATTACHMENT A-1 – FINDINGS

PLANNING COMMISSION RESOLUTION NO. 00-10

PLANNING APPLICATION 00-0113 FOR

COASTAL DEVELOPMENT PERMIT – PLANNING AREA 5B
NEWPORT COAST PLANNED COMMUNITY

That the Planning Commission makes the following findings with respect to Planning Application 00-0113 Coastal Development Permit:

1. County Requirements are being met as follows:

- a. General Plan. The zoning of the property has been found to be consistent with the General Plan, and the proposed uses have also been found to be compatible with the policies and objectives of the General Plan.
- b. Zoning Code. The use, activity or improvement proposed by the application is consistent with the provisions of the Orange County Zoning Code and the Newport Coast Local Coastal Program/Planned Community Second Amendment.
- c. CEQA. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act statutes and the State CEQA Guidelines and the County of Orange Environmental Guidelines.
- d. Compatibility. The location, size, design and operating characteristics of the proposed use will not create significant noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.
- e. General Welfare. The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
- f. Development Fees for Provision of Public Facilities. The requirements of Orange County Code Section 7-9-711 have been met.
- g. Mitigation Measure Monitoring. The monitoring requirements of Public Resources Code Section 21081.6 have been met in that a Mitigation Measure Monitoring and Reporting Plan has been prepared.
- h. Local Coastal Program. The project proposed by the application conforms with the certified Second Amendment to the Newport Coast Local Coastal Program in a manner as approved by the Orange County Planning Commission in Resolution No. 96-04 dated May 21, 1996 and by the Orange County Board of Supervisors in Resolution No. 96-861 dated December 3, 1996 and in ordinance No. 96-3974 dated December 3, 1996.
- i. Master Coastal Development Permit. The project proposed by the application conforms with the Master Coastal Development Permit – Seventh Amendment (PA 970152), as revised and supplemented by Coastal Commission Coastal Development Permit A5-IRC-99-301 to refine grading and drainage details for the project area.
- j. Modified Development Standards. The alternative development standard will result in an equivalent or better project in terms of adverse impacts and public benefits to the immediate and surrounding community.
- k. Newport Coast Development Agreement. The project proposed by the application conforms with the Newport Coast Development Agreement

(DA87-16) approved by the Board of Supervisors on April 20, 1988 (Resolution No. 88-537) and the Development Agreement First Amendment (DA 96-03), approved on December 3, 1996 (Resolution No. 96-861), and as demonstrated in the following findings.

2. Based on the information and analysis contained in Final EIR No. 569 and the Addendum, as well as the Coastal Commission Staff Reports on CDP A5-IRC-99-301 dated July 27, 2000 and August 8, 2000, which serve as the functional equivalent of the CEQA process under the Commission's certified regulatory program, the project will have no new significant adverse environmental effects beyond those identified, mitigated, or for which overriding considerations were adopted in connection with Final EIR No. 569 or the previous environmental documentation prepared for the Newport Coast LCP, the Newport Coast Master Coastal Development Permit, and the Newport Coast Development Agreement. The findings approving the LCP and contained in Board of Supervisors' Resolution 87-1327 and the findings certifying Final EIRs 485, 486, 511, 528, and 568 contained in Resolution Nos. 88-24, 88-45, 89-38, 92-07, 98-04, and the Coastal Commission Staff Reports on CDP A5-IRC-99-301 as noted above, are incorporated herein by reference as though fully set forth.

3. All development projects within the coastal zone in the Newport Coast Planned Community are subject to approval of a Coastal Development Permit in compliance with Chapter 10 of the Newport Coast LCP and the County's "Coastal Development" District Regulations, Orange County Zoning Code Section 7-9-118.

4. This Coastal Development Permit is for the development proposal in the Newport Coast Planned Community Medium-Low Density Residential Planning Area 5. Proposed number of dwelling units and densities are consistent with the LCP standards and most current Statistical Table as approved by the Coastal Commission with CDP A5-IRC-99-301.

5. The provisions of Master Coastal Development Permit CD 88-11P and the Planning Commission findings contained in Resolution No. 88-46 are incorporated herein by reference as though fully set forth.

6. The Newport Coast Master Coastal Development Permit First Amendment, CD 89-26P encompasses approximately 2,839 acres in a northerly subarea of The Newport Coast Planned Community, including Planning Areas 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B, 8, 9, 10A, 10B, 11A, 11B, 12A, 12D, 13A, 13B, 13C, 13D, 13E, 13F, and 14. The Master CDP First Amendment granted entitlement for Vesting Tentative Tract Map No. 13337 - Second Revised; the certified LCP Planned Community Development Map: First Revision and Planned Community Statistical Table: First Revision; construction of Sand Canyon Avenue within Planning Areas 3A and 3B; widening of Pacific Coast Highway in certain locations; construction of Ridge Park, Vista Ridge and Pelican Hill Roads; construction of backbone drainage improvements recommended in the Master Drainage and Runoff Management Plan and The Newport Coast Hydrology Report; construction of backbone domestic water storage and distribution system; construction of backbone waste water collection system; construction and relocation of master utilities; rough grading within Planning Areas 2B and 8 to complete Newport Coast Drive side slopes and erosion control and drainage improvements; and grading of USGS "Blue Line" drainage courses within Residential, Tourist, Commercial, and Golf Course Planning Areas. The provisions of Master Coastal Development Permit First Amendment, CD 89-26P, and the Planning Commission findings contained in Resolution No. 89-39 are incorporated herein by reference as though fully set forth.

7. The Master CDP Second Amendment provided for the insertion of new language into Master CDP Section 1.3.2 to permit "Technical Addenda" to the Master CDP to incorporate adjustments allowable under the LCP in the distribution of the estimated dwelling units, accommodation, and/or Planning Area acres within the Planned Community. Adjustments resulting from more detailed planning may entail refinements to the acreage statistics and boundaries shown on the previously-approved Planned Community Statistical Table and Development Map contained in the Master CDP, and will be permitted by these Technical Addenda without requiring comprehensive changes to the Master CDP test. The provisions of Master Coastal Development Permit Second Amendment, CD 9005219001P, and the Planning Commission findings contained in Resolution No. 90-19 are incorporated herein by reference as

though fully set forth.

8. The Master CDP Third Amendment (CD 900703001P) incorporated into the Newport Coast Master CDP document a refinement to the boundary between Newport Coast Planning Areas 1C-2 and 11B and the text of Newport Coast Master CDP, Section 5.4 (Utility Systems), the Subsection titled “Southern California Edison” to replace a portion of an existing overhead 66,000 volt (66 kV) transmission line with an underground system. The provisions of Master Coastal Development Permit Third Amendment, CD 900703001P, and the Planning Commission findings contained in Resolution No. 92-08 are incorporated herein by reference as though fully set forth.

9. The Master CDP – Fourth Amendment (PA 94-0149) established boundary lines between Planning Areas 2C and 12A, 2C and 6; updated the Planned Community Development Map and Statistical Table contained within The Newport Coast Master Coastal Development Permit; expanded the master CDP boundary to include a portion of PA 6; modified the alignment of Vista Ridge Road; and included an emergency utility access road into Los Trancos Canyon (PA 12A). The provisions of Master Coastal Development Permit Fourth Amendment, CD PA 94-0149, and the Planning Commission findings contained in Resolution No. 95-13 are incorporated herein by reference as though fully set forth.

10. The Master CDP – Fifth Amendment (PA 970076) established the final boundary line between Planning Areas 2C and 12A, 2C and 12D, 2C and 2B; updated the Planned Community Development Map and Statistical Table contained within the Newport Coast Master Coastal Development Permit; re-established Vista Ridge Road as a public street with the alignment approved in the master CDP – First Amendment (CD 89-26P); provided a community collector through the western portion of Planning Area 2C; established an additional community collector through the eastern portion of Planning Area 2C. The provisions of Master Coastal Development Permit Fifth Amendment, CD PA 970076, and the Planning Commission findings contained in Resolution No. 97-06 are incorporated herein by reference as though fully set forth.

11. The Master CDP - Sixth Amendment provided a community collector (“B” Street) for access from Crystal Cove Drive and Reef Point Drive through northern and central portions of PAs 3A-2 and 3B; established an additional community collector (“C” Street), providing access from Crystal Cove Drive and Reef Point Drive to the southern portion of PAs 3A-2 and 3B; reconfigured development area boundaries within PAs 3A-2 and 3B to incorporate mass grading and future construction-level site planning; and constructed landscape improvements adjacent to Pacific Coast Highway within the County’s Scenic Highway Setback area. The provisions of Master Coastal Development Permit Sixth Amendment, CD PA 970133, and the Planning Commission findings contained in Resolution No. 98-05 are incorporated herein by reference as though fully set forth.

12. The Master CDP – Seventh Amendment reconfigures Planning Area boundaries to incorporate mass grading and future construction-level site planning; provides infrastructure in the extension of Reef Point Drive; provides a utility bench for infrastructure connections through Los Trancos Canyon between PA 5 in the north and PA 4 in the south; establishes a Conceptual Fuel Modification Program for Development Areas located adjacent to areas of natural open space; deletes Appeal Jurisdiction areas to allow for grading of USGS “Blue Line” Drainage Courses within Residential, Open Space, and Recreation Planning Areas; permits all off-site grading and remedial grading in Crystal Cove State Park (PA 17); provides an access road partially in Crystal Cove State Park leading to a future recreation facility in PA 12C; relocates a portion of the 66 kV SCE electrical transmission lines and access roads for emergency access and maintenance purposes; provides boundaries to existing trails in Los Trancos and Muddy

Canyons (PAs 12A and 12E) and Crystal Cove State Park (PA 17); provides a pedestrian/emergency access tunnel and trails under Pacific Coast Highway and within Crystal Cove State Park property; and provides roads, retaining walls, etc. in support of future development in PAs 4A, 4B, 5, 6, 12B, 12C, 12E and 12G. The provisions of Master Coastal Development Permit Seventh Amendment, CD PA 970152, and the Planning Commission findings contained in Resolution No. 98-09 are incorporated herein by reference as though fully set forth.

13. The California Coastal Commission considered an appeal of the Master CDP – Seventh Amendment, and based upon substantial supplemental studies and revisions to the land plan to accommodate additional improvements to address appeal issues, unanimously approved Coastal Development Permit A-5-IRC-99-301 on August 10, 2000. This approval included all matters considered and approved with the Master CDP – Seventh Amendment, and included a revised land plan to further incorporated additional drainage and water quality enhancements throughout the project area and other grading revisions to portions of the appeal area to address specific appeal and project refinement issues; revisions to the drainage and water quality systems are consistent with and an enhancement of the approved MDRMP; modified and expanded the limits of development grading for Planning Area 5 in response to geologic constraints and in a manner consistent with the LCP Second Amendment; refined the level of grading detail for Planning Areas 5 and 6 and all of the remaining undeveloped property within Planning Area 2C; updated, amended and adjusted the Statistical Table; and replaced a proposed detention basin within Muddy Canyon Creek with a bridge structure to provide access to the recreational facility in Planning Area 12C. The provisions of CDP A5-IRC-99-301, as contained in Coastal Commission Staff Reports dated July 27, 2000 and August 8, 2000 are incorporated herein by reference as though fully set forth.

14. Development within Planning Area 5 is consistent with LCP Special Use Open Space policies in that an offer of dedication for Planning Areas 12A and 12E have been made to the County of Orange in a form approved by the Manager, Public Facilities and Resources Department/Harbors, Beaches and Parks – Program Management (LCP I-3-A-2.b & c [page 1-3.10]).

15. Pursuant to Section 711.4 of the California Fish and Game Code, there is no evidence that this project will have any potential for adverse effects on wildlife resources, due to the implementation of the approved 1603 agreement, incorporated herein by reference.

16. The proposed project maintains the ability to promote an effective subregional Natural Communities Conservation Planning (NCCP) Program and will not have a significant unmitigated impact upon Coastal Sage Scrub habitat.

17. The proposed project is consistent with LCP Section I-B-3 in that future residential areas have been located contiguous with and in close proximity to existing developed areas able to accommodate it. Additionally, development will be located on ridges away from the sensitive habitat areas in canyon bottoms.

18. Consistent with LCP Runoff Policies, peak flood discharge rates in major watersheds will not exceed pre-development levels beyond the percentages allowable within the LCP. All supporting studies to demonstrate this fact and the absence of significant impact to beach nourishment and channel stability were addressed in the Coastal Commission staff reports for CDP A5-IRC-99-301 and are incorporated herein by reference.

19. Refinements to the drainage and runoff concepts within the MDRMP, as applicable to the project area, have been incorporated into the project area resulting from additional studies completed in response to the Coastal Commission appeal of the Master CDP PA 970152 (Seventh Amendment) and that these refinements have been found by the California Coastal Commission to be consistent with the LCP 2nd Amendment, as incorporated within the California Coastal Commission Staff Report dated July 27, 2000 and as addended in the Staff Report dated August 8, 2000 and are incorporated herein by reference. These studies have addressed the potential hydrological, sedimentation and beach nourishment impacts of the project, as a component of CDP A5-IRC-99-301. The action taken by the County here is designed to precisely conform to the action of the California Coastal Commission.

20. The runoff management strategy for the proposed project manages peak storm runoff via two detention basins. Studies completed for the Coastal Commission's consideration of CDP A5-IRC-99-301, and as discussed in the Coastal Commission Staff Report dated July 27, 2000 and as addended on August 8, 2000, indicate that although in some cases the peak storm runoff is greater than the pre-development peak rate, in no case is such increase in excess of 10% of the pre-development peak discharge rate. Therefore, the peak flood discharge rates of storm flows from the project will be equal to or no more than a 10% increase from pre-development peak rates due to these measures, and is therefore consistent with the policies of the LCP 2nd Amendment (LCP I-3-K-1 through 6 [page I-3.28]). The proposed peak flood discharge flows were also found to be consistent with LCP policies regarding erosion control (LCP I-3-I-1 [page I-3.26]) and sediment (LCP I-3-J-1 through 5 [page I-3.27]). The proposed drainage measures were considered by the California Coastal Commission in its approval of CDP A5-IRC-99-301 on August 10, 2000.

21. The proposed project complies with the LCP Circulation policies (LCP I-4-E [pages I-4.19 through I-4.34]) in that:

- a. Roads are designed to meet County safety standards;
- b. Roads will be landscaped;
- c. All internal roadways are curvilinear and all slopes contoured into the existing topography;
- d. Residential areas are served by private streets and/or driveways;
- e. Any modifications to existing roadway standards have been carefully considered and justified by safety and circulation conditions.
- f. Roadway grading has been blended into existing topography by contour grading, where feasible. Retaining walls and other structures have been used to minimize grading impacts.
- g. Traffic Management Program measures have been incorporated into the project where appropriate.
- h. Road design and sections for entry roads, collector roads, residential streets, and private driveways have been designed to be consistent with LCP Exhibit R, Residential Entry Road & Residential Streets - Typical Sections.
- l. All roadway improvements established in LCP Exhibit Q, Newport Coast Arterial Roadway Phasing Summary, will be installed on or before the triggering mechanisms called for in the Exhibit Q.

22. The proposed project complies with the LCP Public Works/Infrastructure policies in that it includes necessary sewer improvements and drainage improvements. All public works/infrastructure are provided in the major public roadways approved under Master CD 89-26P and the Pelican Hill Road CDP (for Newport Coast Drive), and

the roadways proposed in this project. (LCP I-4-F-1 through -7 [pages I-4.19 through I-4.34]) The proposed infrastructure improvements in Newport Coast Planning Area 5B are consistent with the applicable LCP standard provisions (LCP II-4c [page II-4.19-23]) based on the following:

- a. Areas of disturbed soil will be hydro-seeded to control erosion.
- b. Manufactured slopes along development edges will incorporate contour-grading techniques.
- c. The principle local streets will maintain 36 feet of paving with 48-inch sidewalks on one side of the street.

23. In accordance with Section 30007.5 of the Coastal Act, the LCP Open Space Dedication Program protects certain specified coastal resources and offsets adverse environmental impacts in residential development and recreation areas which are otherwise not mitigated. Permanent protection and preservation of major canyon watersheds, visually significant ridgelines, stream courses, archeological and paleontological sites, riparian vegetation, coastal chaparral and wildlife habitat is provided by dedication to a public agency. Large-scale master planning and dedication programming for The Newport Coast enables the permanent protection of large, contiguous open space areas rather than the protection of smaller, discontinuous habitat areas that might result from a project-by project site mitigation approach. A much greater degree of habitat and open space protection can be achieved by dedication programs that assemble large blocks of habitat area contiguous to Crystal Cove State Park than would be possible with project-by project mitigation measures. The Newport Coast Dedication Program will result in approximately 7,343 acres devoted to open space and recreation use which includes 2,807 acres in Crystal Cove State Park, 2,666 acres in Wilderness Open Space, 1,505 acres in Special Use Open Space Dedications, and over 450 acres in the Golf Course and other non-dedicated recreation areas.

ATTACHMENT A-2 – CONDITIONS OF APPROVAL

PLANNING COMMISSION RESOLUTION NO. 00-10

PLANNING APPLICATIONS 00-0113 FOR

PLANNING AREA 5B COASTAL DEVELOPMENT PERMIT
NEWPORT COAST PLANNED COMMUNITY

1. CP NA NA BASIC
This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.
2. CP NA NA BASIC
This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.
3. CP NA NA BASIC
Except as otherwise provided herein, this permit is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Director of Planning for approval. If the Director of Planning determines that the proposed change complies with the provisions and the spirit for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.
4. CP NA NA BASIC
Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Board of Supervisors.
5. CP NA NA BASIC
Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit or, in the alternative, the relinquishment of such permit. Applicant will reimburse the County for any court costs and attorney's fees, which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.
6. CP NA NA BASIC/OBLIGATIONS
Pursuant to Government Code Section 66020, the applicant is informed that the 90-day period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.
7. CP CP NA SPECIAL
All drainage and grading shall be consistent with the provisions of the Newport Coast Planned Community/Local Coastal Program and the Master Coastal Development Permit as revised and approved by the California Coastal Commission A5-IRC-99-301.

CP CP NA SPECIAL
8. The County acknowledges all special conditions of approval of the California Coastal Commission and recognizes those conditions as satisfied upon receipt of an issued Coastal Development Permit for CDP A5-IRC-99-301.

ARCHAEO/PALEO

9. HP HP G ARCHAEO PREGRADING SALVAGE

Prior to issuance of a grading permit, the project applicant shall provide written evidence to the Manager, Subdivision and Grading, that a County-certified archaeologist has been retained to conduct salvage excavation of the archaeological resources in the permit area. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to the County, or designee. A final report incorporating the results of the salvage operation and grading observation shall be submitted to and approved by the Manager, Public Facilities and Resource Department/Harbors, Beaches and Parks – Program Management, prior to any grading.

10. HP HP G ARCHAEO OBS & SALVAGE
Prior to the issuance of a grading permit, the project applicant shall provide written evidence to the Manager, Subdivision and Grading, that a County-certified archaeologist has been retained, shall be present at the pregrading conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the project developer and to the Manager, Public Facilities and Resources Department/Harbors, Beaches and Parks – Program Management. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the project developer, for exploration and/or salvage. Prior to the issuance of a precise grading permit, the archaeologist shall submit a follow-up report to the Manager, Public Facilities and Resources Department/Harbors, Beaches and Parks – Program Management, which shall include the period of inspection, analysis of any artifacts found and the present repository of the artifacts. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to the County or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Public Facilities and Resources Department/Harbors, Beaches and Parks – Program Management.
11. HP HP G PALEO OBS & SALVAGE
Prior to issuance of a grading permit, the project applicant shall provide written evidence to the Manager, Subdivision and Grading, that a County-certified paleontologist has been retained to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pregrading conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, the paleontologist shall determine appropriate actions, in cooperation with the project developer, which ensure proper exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. The paleontologist shall submit a follow-up report for approval by the Manager, Harbors, Beaches and Parks, which shall include the period of inspection, a catalogue and analysis of the fossils found, and present repository of the fossils. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Harbors, Beaches and Parks – Program Management.
12. HP HP G PALEO SURVEY
Prior to the issuance of any grading permit, the project applicant shall provide written evidence to the Manager, Subdivision and Grading, that a County-certified paleontologist has been retained by the applicant to complete a literature and records search for recorded sites and previous surveys. In

addition, a field survey shall be conducted by a County-certified paleontologist unless the entire proposed project site has been documented as previously surveyed in a manner which meets the approval of the Manager, Harbors, Beaches and Parks. A report of the literature and records search and field survey shall be submitted to and approved by the Manager, Harbors, Beaches and Parks. Future mitigation shall depend upon the recommendations of the report.

DRAINAGE

13. SG SG RG DRAINAGE STUDY
Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading permits, whichever comes first, the following drainage studies shall be submitted to and approved by the Manager, Subdivision and Grading:
- A. A drainage study of the subdivision including diversions, off-site areas that drain onto and/or through the subdivision, and justification of any diversions; and
 - B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
 - C. Detailed drainage studies indicating how the tract map grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
14. SG SG RG DRAINAGE IMPROV
A. Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), or prior to the issuance of any grading permits, whichever comes first, the applicant shall in a manner meeting the approval of the Manager, Subdivision and Grading:
- 1) Design provisions for surface drainage; and
 - 2) Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
 - 3) Dedicate the associated easements to the County of Orange, if determined necessary.
- B. Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), said improvements shall be constructed in a manner meeting the approval of the Manager, Construction.
15. SG SG RG DRAINAGE OFFISTE
Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the Manager, Subdivision and Grading, a letter of consent, in a form approved by the Manager, Subdivision and Grading, suitable for recording, shall be obtained from the upstream and/or downstream property owners permitting drainage diversions and/or unnatural concentrations.
16. SG SG RG CROSS LOT DRAINAGE
Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the Manager, Subdivision and Grading, a letter of consent, in a form approved by the Manager, Subdivision and Grading, suitable for recording, shall be obtained from the affected property owners for off-site grading and/or drainage. The owner/applicant shall record said letters of consent for offsite drainage and/or cross-lot drainage prior to the recordation of the subdivision map or prior to the issuance of any grading permit, whichever comes first. Acceptance of cross-lot drainage on lots within the tract/parcel map boundaries shall be noted on the recorded map.

17. EH SG G VECTOR CONTROL
Prior to the issuance of any preliminary grading permits, the subdivider shall provide evidence to the Manager, Subdivision and Grading that the Vector Control district has surveyed the site to determine if vector control measures are necessary. If warranted, the developer shall conduct such measures in a manner meeting the approval of the Manager, Subdivision and Grading.

ENVIRONMENTAL PLANNING

18. EP EP NA NOTICE OF DETERMINATION
Pursuant to Section 711.4 of the Fish and Game Code, the applicant shall comply with the requirements of AB 3158, prior to the filing of the Notice of Determination for the project, in a manner meeting the approval of the Manager, Environmental and Project Planning Division.

ENVIRONMENTAL RESOURCES

19. EP SG G SPECIAL
In order to mitigate the project's impacts on the California gnatcatcher (and other coastal sage scrub oriented species), the project applicant, The Irvine Company, will continue its participation in the NCCP program until the Orange County Central/Coastal Subregion (Subregion) program is fully developed and implemented. This participation will include any project specific mitigation requirements that may be identified in the implementation mechanism. Any project phases that are developed prior to the implementation phase of the Subregion NCCP must be found consistent with NCCP Process Guidelines as described under *Impact 8.11 - NCCP Consistency*, i.e., through the development of a comprehensive Interim Habitat Loss Mitigation Plan (IHLMP). In the event that the implementation phase does not come about, alternative mitigation for the project's impacts to coastal sage scrub resources must be considered through additional environmental documentation.
20. EP SG G NCCP
In accordance with the provisions of the adopted NCCP/HCP, no grading or fuel modification will be allowed within areas designated as Reserve except as provided for under the specific take authorizations contained in the 10a Permit (i.e., The Irvine Company has a maximum two acres authorization within the Reserve System).
- Prior to approval of grading permits, the current NCCP/HCP Reserve Boundary shall be plotted on the grading plan, to ensure that no grading occurs within the Reserve and to assist with monitoring compliance with this requirement as verified during plan check by the Manager, PDS/Subdivision and Grading Services.
21. CP EP G COASTAL SAGE SCRUB
A. As required by participation in the Natural Community Conservation Planning/Coastal Sage Scrub (NCCP) agreement signed by the County on May 1, 1992, prior to the issuance of any grading permit, the project applicant shall provide an accounting summary in acres, or portions thereof, of coastal sage scrub scheduled to be impacted by removal through grading meeting the approval of the Manager, Current Planning.
- B. Notwithstanding the tentative map, no grading will occur within the Natural Community Conservation Plan (NCCP) enrolled area except as in a manner meeting the approval of the Manager, Current Planning.
22. EP SG G NCCP
Prior to the commencement of grading operations or other activities involving significant soil disturbance, all areas of CSS habitat to be avoided under the provisions of the NCCP/HCP shall be identified with temporary fencing or other markers clearly visible to construction personnel. This fencing will be clearly marked on all grading plans. Additionally, prior to the commencement of grading operations or other activities involving disturbance of CSS, a survey will be conducted to locate gnatcatchers and cactus wrens within 100 feet of the outer extent of projected soil disturbance activities, and the locations of any such

species shall be clearly marked and identified on the construction/grading plans. This RPA will meet the approval of the Manager, PDS/Resource Planning, prior to issuance of grading permits.

23. ER SG G NCCP
A monitoring biologist, acceptable to US Fish and Wildlife Service/California Department of Fish and Game (USFWS/CDFG), will be on site during any clearing of CSS. The landowner or relevant public agency/utility will advise USFWS/CDFG at least seven (7) calendar days (and preferably fourteen [14] calendar days) prior to the clearing of any habitat occupied by Identified Species to allow USFWS/CDFG to work with the monitoring biologist in connection with bird flushing/capture activities. The monitoring biologist will flush Identified Species (avian or other mobile Identified Species) from occupied habitat areas immediately prior to brush clearing and earthmoving activities. If birds cannot be flushed, they will be captured in mist nets, if feasible, and relocated to areas of the site to be protected or to the NCCP/HCP Reserve System. It will be the responsibility of the monitoring biologist to assure that identified bird species are not directly impacted by brush clearing and earthmoving equipment in a manner that also allows for construction activities on a timely basis. This RPA will meet the approval of the Manager, PDS/Resource Planning, prior to issuance of grading permits.
24. EP SG G NCCP
Following the completion of initial grading/earth movement activities, all areas of CSS habitat to be avoided by construction equipment and personnel will be marked with temporary fencing or other appropriate markers clearly visible to construction personnel. No construction access, parking, or storage of equipment or materials will be permitted within such marked areas. This RPA will meet the approval of the Manager, PDS/Resource Planning, prior to issuance of grading permits.
- In areas bordering the NCCP Reserve System or Special Linkage/Special Management areas containing significant CSS identified in the NCCP/HCP for protection, vehicle transportation routes between cut-and-fill locations will be restricted to a minimum number during construction consistent with project construction requirements. Waste dirt or rubble will not be deposited on adjacent CSS identified in the NCCP/HCP for protection. Preconstruction meetings involving the monitoring biologist, construction supervisors, and equipment operators will be conducted and documented to ensure maximum practicable adherence to these measures. This RPA will meet the approval of the Manager, PDS/Resource Planning, prior to issuance of grading permits.
- CSS identified in the NCCP/HCP for protection and located within the likely dust drift radius of construction areas shall be periodically sprayed with water to reduce accumulated dust on the leaves, as recommended by the monitoring biologist. This RPA will meet the approval of the Manager, PDS/Resource Planning, prior to issuance of grading permits.
25. EP EP U NCCP BOUNDARY
Prior to the issuance of certificates of use and occupancy, the subdivider shall provide precise digital linework adjusting the Central Coastal Sub-regional NCCP/HCP Reserve boundary to ensure no net loss of the adopted reserve acreage total in a manner meeting the approval of the Administrator/Planning and Zoning.
26. SG SG G NPDES PERMIT
Prior to the issuance of any grading permits, the applicant shall submit evidence to the Manager, Subdivision and Grading, that the applicant has obtained coverage under the NPDES statewide General Stormwater Permit from the State Water Resources Control Board.
27. EP SG G STORMWATER QUALITY CONTROL PLAN
Prior to recordation of any final tract/parcel map, or the issuance of any building permits, whichever occurs first, the applicant shall provide a stormwater quality control plan incorporating structural and non-structural Best Management Practices consistent with the SWRCB General Construction Permit and in accordance with the County's Drainage Area Management Plan and amendments thereto in a manner meeting the approval of the Manager, PDSD Subdivision &

Grading Services Division, in consultation with the Managers, PFRD Flood Programs and Environmental Resources.

28. EP SG G EROSION CONTROL PLAN
Prior to issuance of any grading permit, the developer shall submit to the Manager, PDSD Subdivision & Grading Services Division, for review/approval, an Erosion Control Plan that shall identify site-specific measures for the control of siltation, sedimentation and other pollutants per the Orange County Grading and Excavation Code. Such a plan shall include preparation and approval of the plan prior to construction, instructions for storm events, normal and emergency procedures, as well as procedures following storm events. Standard erosion control measures shall be installed for the project as required according to County standards. The following erosion control measures shall be incorporated into the project-grading plan, as required during construction by the County of Orange PDSD and the Regional Water Quality Control Board (Santa Ana Region) during the rainy season (October 15 to April 15).
- A. Sandbags shall be placed across streets where necessary, depending upon size of catchment and sediment yield.
- B. Erosion control at the sediment sources shall be emphasized during construction.
- C. A stand by crew shall be available for emergency work during the rainy season. Necessary materials shall be available on site, and shall be stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices when rain is imminent.
- D. Removable protective erosion control devices shall be put in place at the end of each working day when the five-day rain probability forecast exceeds 40 percent.
- E. All erosion control measures shall be implemented in conformance with the requirements of the Grading and Excavation Code of the County of Orange. All construction shall be conducted with provisions for the control of sand, dust, and debris originating at the construction site. Appropriate areas shall be contained with berms, desilting basins, or similar structures to prevent runoff during construction operations.
- F. Prior to issuance of the building permits, landscape and erosion control plans shall be reviewed and approved by the Manager, PDSD Subdivision & Grading Services Division. Temporary mulching, seeding, landscaping, permanent erosion control, or other suitable stabilization measures shall be included as part of the project in order to protect exposed areas during and after construction, and shall be noted on project plans.
29. SG SG/ER R HAZARDOUS MATERIAL ASSESSMENT RPT
Prior to the recordation of a subdivision map, the subdivider shall submit, a "Hazardous Materials Assessment" and a "Disclosure Statement" covering the property (both fee and easement) which will be offered for dedication or dedicated to the County of Orange or the Orange County Flood Control District, for review and approval by the Manager, Subdivision and Grading, in consultation with the Manager, PFRD/ Environmental Resources.
30. SG SG RGB
POLLUTANT RUNOFF
Prior to the recordation of a subdivision map, or issuance of precise grading permits or building permits, whichever comes first, the applicant shall submit and obtain approval from the Manager, Subdivision and Grading, of a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on site to control predictable pollutant runoff. This WQMP shall identify, at a minimum, the routine, structural and non-structural measures specified in the Countywide NPDES Drainage Area Management Plan (DAMP) Appendix G. The WQMP shall detail implementation of BMPs whenever they are applicable to a project, specify the long-term maintenance responsibilities (specifying the developer, parcel owner, maintenance

association, lessee, etc.),; and, reference the location(s) of structural BMPs.

FIRE

31. F F R WATER IMPV PLANS
Prior to the recordation of the final tract map, water improvement plans shall be submitted to and approved by the Fire Chief for adequate fire protection and financial security posted for the installation. The adequacy and reliability of water system design, location of valves, and the distribution of fire hydrants will be evaluated and approved by the Fire Chief.
32. F F R SPECIAL FIRE PROTECTION AREA NOTIF
A. State Responsibility Areas. Prior to recordation of a subdivision map, the subdivider shall place a note on the map meeting the approval of the Fire Chief that the property is in a "(High/Very High) Fire Hazard Area" due to wildland exposure based on State SRA maps.

B. Prior to the recordation of the final tract map, the subdivider shall place a note on the map meeting the approval of the Fire Chief that the property is in a special fire protection area and must meet all requirements for development within the area or file for an exclusion with the Fire Chief.
33. F F B COMBUSTIBLE CONSTRUCTION LETTER
Prior to the issuance of a building permit for combustible construction, the builder shall submit a letter to the Fire Chief on company letterhead stating that water for fire-fighting purposes and the all weather fire protection access roads shall be in place and operational before any combustible material is placed on-site. **Approval shall be subject to an on-site inspection prior to issuance of a building permit.**
34. F F BU STREET MARKINGS
A. Prior to the issuance of a building permit, the applicant shall submit plans and obtain approval from the Fire Chief for fire lanes on required fire access roads less than 36 feet in width. The plans shall indicate the locations of red curbing and signage. A drawing of the proposed signage with the height, stroke and color of lettering and the contrasting background color shall be submitted to and approved by the Fire Chief.

B. Prior to issuance of any certificate of use and occupancy, the fire lanes shall be installed in accordance with the approved fire lane plan in a manner meeting the approval of the Fire Chief. The CC&R's, or other approved documents, shall contain a fire lane map and provisions which prohibit parking in the fire lanes. The method of enforcement shall be documented.
35. F F GBU FUEL MODIFICATION
A. Prior to the issuance of a preliminary grading permit, the applicant shall obtain approval of the Fire Chief, in consultation with the Managers, Environmental and Project Planning Services, Current Planning Services and Subdivision and Grading Services of a conceptual fuel modification plan and program.

B. Prior to the issuance of any precise grading permit, the applicant shall obtain the approval of the Fire Chief, in consultation with the Managers, Environmental and Project Planning Services, Current Planning Services, and Subdivision and Grading Services of a precise fuel modification plan and program. The plan shall indicate the proposed means of achieving an acceptable level of risk to structures by vegetation.

C. Prior to the issuance of a building permit, the developer shall have completed, under the supervision of the Fire Chief, that portion of the approved fuel modification plan determined to be necessary by the Fire Chief before the introduction of any combustible materials into the project area. Approval shall be subject to on-site inspection.

D. Prior to issuance of any certificate of use and occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Chief. Further, the installed fuel modification plant pallet shall be

established to a degree meeting the approval of the Fire Chief. The CC&R's, or other approved documents, shall contain provisions for maintaining the fuel modification zones including the removal of all dead and dying vegetation subject to triennial inspections.

36. F F G STREET PLANS
Prior to the issuance of any grading permits, the applicant shall submit and obtain approval of preliminary plans for all streets and courts, public or private, from the Fire Chief in consultation with the Manager, Subdivision and Grading. The plans shall include the plan view, sectional view, and indicate the width of the street or court measured flow line to flow line. All proposed fire apparatus turnarounds shall be clearly marked when a dead-end street exceeds 150 feet or when other conditions require it. The minimum width of required fire apparatus access roads shall not be less than 28 feet.
37. F F R STREET WIDTHS
As specified in the OCFA Guidelines, the minimum width of required fire apparatus access roads serving no more than 3 dwellings and not exceeding 150 feet in length shall not be less than 24 feet in width. Fire apparatus turnarounds shall be provided in accordance with OCFA guidelines. All access roads less than 36 feet in width shall be posted as fire lanes in accordance with OCFA Guidelines for Fire Lanes.
- Street widths less than the required width approved on vesting tentative maps prior to the effective date of the latest OCFA Special Fire Protection Areas requirements (March 1996) will be evaluated based on the number of homes serviced, the number and location of access roads approved and the nature of the wildland interface (OCFA Guidelines).
38. F F G ACCESS GATES
Prior to the issuance of any grading permits, the applicant shall submit and obtain the Fire Chief's approval for the construction of any gate across required Fire Authority access roads/drives. Contact the Orange County Fire Authority Plan Review Section at (714) 744-0403 for a copy of the "Guidelines for Fire Authority Emergency Access".
39. F F R FIRE HYDRANT
A. Prior to the recordation of a tentative tract map, the applicant shall submit a fire hydrant location plan for the review and approval of the Fire Chief.
- B. Prior to the issuance of a building permit, the applicant shall submit to the Fire Chief evidence of the on-site fire hydrant system and indicate whether it is public or private. If the system is private, the system shall be reviewed and approved by the Fire Chief prior to issuance of the building permit. Provisions shall be made by the applicant for the repair and maintenance of the system, in a manner meeting the approval of the Fire Chief.
- C. Prior to the issuance of any certificate of use and occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the fire hydrant location on the street or drive per the Orange County Fire Authority Standard as approved by the Fire Chief. These markers are to be maintained in good condition by the property owner.
40. F F B WATER AVAILABILITY
Prior to the issuance of a building permit, the applicant shall provide evidence of adequate fire flow. The Orange County Fire Authority Water Availability for Fire Protection form shall be signed by the applicable water district and submitted for approval to the Orange County Fire Authority. If sufficient water to meet fire flow requirements is not available, an automatic fire extinguishing system may be required in each structure affected by the insufficient fire flow.
41. F F RBU AUTOMATIC FIRE SPINKLER SYSTEMS
A. Prior to the recordation of a tentative tract map, a note shall be placed on the map stating that all commercial structures over 6,000 square feet; all multifamily residential structures; all detached, single-family structures exceeding 5,500 square feet, and, all structures exceeding Fire Authority access

requirements shall be protected by an automatic sprinkler system, in a manner meeting the approval of the Fire Chief.

B. Prior to the issuance of a building permit, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the OCFA for review and approval.

C. Prior to the issuance of a certificate of use and occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief.

42. F F RG

FIRE ACCESS ROADS

A. Residential: Prior to recordation of a subdivision map, the applicant shall obtain approval of the Fire Chief for all fire protection access easements and shall dedicate them to the County.

B. Prior to issuance of any grading permits, the applicant shall submit and obtain approval of plans for all roads, streets and courts, public or private, from the Fire Chief in consultation with the Manager, Subdivision and Grading Services. The plans shall include the plan view, sectional view, and indicate the grade and width of the street or court measured flow line to flow line. All proposed fire apparatus turnarounds shall be clearly marked when a dead-end street exceeds 150 feet or when otherwise required. Applicable CC&R's, or other approved documents, shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement without prior approval of the Fire Chief.

C. Street Signs. A note shall be placed on the fire protection access easement plan indicating that all street/road signs shall be designed and maintained to be either internally or externally illuminated in a manner meeting the approval of the Fire Chief.

GRADING

43. SG SG G

GEOLOGY RPT

Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Subdivision and Grading for approval. The report shall include the information and be in a form as required by the Grading Manual.

44. SG SG G

GRADING DEVIATION

Prior to issuance of any grading permits, if the applicant submits a grading plan and the Manager, Subdivision and Grading, determines that it shows a significant deviation from the grading on the approved tentative tract map, specifically with regard to slope heights, slope ratios, and pad elevations and configuration, the plan shall be reviewed by the Subdivision Committee for a finding of substantial conformance. Failure to achieve such a finding will require processing a revised tentative tract map or a Site Development Permit application per Orange County Zoning Code Section 7-9-139 and 7-9-150.

45. SG SG GR

GRADING

Prior to the recordation of the first final tract map or issuance of the first grading permit for projects located immediately adjacent to or including portions of regional parks, significant open space corridors or other environmentally sensitive areas, the project proponent shall provide evidence acceptable to the Manager, Subdivision and Grading, in consultation with the Manager, Public Facilities and Resources Department/Harbors, Beaches and Parks – Program Management, that graded areas will be compatible with natural land characteristics of the adjacent areas. Treatment to achieve the desired effect shall include:

A. Smooth and gradual transition between graded slopes and existing grades using variable slopes ratios (2:1-4:1); and

B. Contour grading such as the rounding and contouring of plane edges and the varying height and inclination of manufactured slopes to produce a more natural appearing earthwork.

C. Urban Edge Treatment/Landscaping Plan(s) for all graded areas adjacent to

open space; and

- D. Preservation of visual opportunities from hillsides by providing for panoramic views from selected locations such as view corridors and sensitive landscape placement.
- E. In order to reduce impacts on nearby sensitive receptors, the following fugitive dust control measures shall be implemented by the developer during or after grading:
 - 1) A vegetative ground cover shall be established within 30 days after active construction operations have ceased; and ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting and at all times thereafter (SCAQMD rule 403, Table 2 [3C], amended July 9, 1993.
 - 2) All active portions of the construction site shall be watered to prevent excessive amounts of dust.
 - 3) On-site vehicle speed shall be limited to 15 mph.
 - 4) All on-site roads shall be paved as soon as feasible, watered periodically or chemically stabilized.
 - 5) All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.
 - 6) All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 25 mph averaged over one hour) or during Stage 1 or Stage 2 episodes.
 - 7) All material transported off site shall be either sufficiently or securely covered to prevent excessive amounts of dust.
 - 8) The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized at all times. (South Coast Air Quality Management District, CEQA Air Quality Handbook, 1993 and subsequent updates).

46. SG SG G CONSTRUCTION NOTES
- Prior to issuance of a grading permit, the project proponent shall submit to the Manager, Subdivision and Grading, for approval, a written list of instructions to be carried out by the construction manager specifying measures to minimize emissions by heavy equipment, which include but are not limited to: maintenance of all construction vehicles and equipment in accordance with manufacturer's specifications, connection to existing electrical facilities near the project, use of electrically powered equipment, avoidance of allowing equipment to idle for extended periods of time and avoidance of causing unnecessary delays of traffic along on-site access roads as a result of heavy equipment blocking traffic.

47. SG SG G CONST NOISE
- A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Subdivision and Grading, that;
- 1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.
 - 2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
 - 3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

- B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this condition.
- C. Prior to issuance of any grading permits, the proposed project construction activities shall adhere to the specification of the County of Orange Codified Ordinance, Division 6 (Noise Control), meeting the approval of the Manager, PDSD/Subdivision and Grading.

48. EP SG G EXPANSION POTENTIAL
- Prior to issuance of a grading permit, the project applicant shall submit plans indicating measures to avoid expansion potential. Measures should include pre-saturation of sub-grade soils, increased reinforcement of concrete elements, increased foundation embedment, use of post-tensioned grade beams and floor slabs, blanketing the surface with non-expansive compacted fill, blending expansive soils with non-expansive soils, chemical stabilization, and increased jointing of buildings and improvements, as recommended by the geotechnical engineer.

In addition, during project grading operations, placing expansive soils near basement walls or other retaining walls will be avoided lateral expansion pressures caused by wetting of expansive soils may over stress retaining walls unless walls are designed to resist the solid expansion. A buffer zone of non-expansive fill adjacent to retaining walls will limit lateral pressures against these walls. The above plan measures shall meet the approval of the Manager, PDSD Subdivision & Grading Services Division, Grading Section.

49. SG SG G RIPPABILITY
- Prior to issuance of a grading permit, in locations where harder earth and rock materials are noted and difficult ripping may be encountered, a geophysical survey shall be required to identify areas requiring blasting. Any necessary blasting will be done utilizing COSHA and County standards regarding acceptable levels of associated shaking. The survey shall meet the approval of the Manager, Subdivision and Grading.

50. SG SG G RIPPABILITY
- Prior to issuance of a grading permit, the applicant shall indicate on the grading plans the location of proposed oversized placement. The geotechnical review report for the grading plan should include the specific details for placement of oversized materials in a manner meeting the approval of the Manager, Subdivision and Grading.

51. SG SG G SPECIAL
- Prior to the issuance of any grading permits, a revegetation plan shall be submitted to and approved by the Manager, Subdivision and Grading. This plan will provide for revegetation of all graded and cut fill areas where structures or improvements are not constructed within a two-year period. The revegetation will be composed of drought adaptive plant materials, including but not limited to California buckwheat, coyote bush or native grasses. If native species are not used, non-invasive, drought tolerant species will be used. If irrigation is required, drip systems shall be installed where feasible.

52. SG SG G SPECIAL
- Prior to issuance of a grading permit and pursuant to the recommendation by GTE, a joint trench for both telephone and cable lines will be constructed to reduce the number of individual lines crossing the project site and to facilitate future access to the lines.

NOISE

53. BP BP RGB RESIDENTIAL ACOUSTIC REPORT
- The applicant shall sound attenuate all residential lots and dwellings against present and projected noise (which shall be the sum of all noise impacting the project) so that the composite interior standard of 45 dBA CNEL for habitable rooms and a source specific exterior standard of 65.dBA CNEL for outdoor living

areas is not exceeded. The applicant shall provide a report prepared by a County-certified acoustical consultant, which demonstrates that these standards will be satisfied in a manner consistent with Zoning Code Section 7-9-137.5, as follows:

A. Prior to the recordation of a subdivision map or prior to the issuance of grading permits, as determined by the Manager, Building Permits Services, the applicant shall submit an acoustical analysis report to the Manager, Building Permits Services, for approval. The report shall describe in detail the exterior noise environment and preliminary mitigation measures. Acoustical design features to achieve interior noise standards may be included in the report in which case it may also satisfy "B" below.

B. Prior to the issuance of any building permits for residential construction, the applicant shall submit an acoustical analysis report describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards to the Manager, Building Permits Services, for approval along with satisfactory evidence which indicates that the sound attenuation measures specified in the approved acoustical report have been incorporated into the design of the project.

C. Prior to the issuance of any building permits, the applicant shall show all freestanding acoustical barriers on the project's plot plan illustrating height, location and construction in a manner meeting the approval of the Manager, Building Permits Services.

54. BP BP BG

NOISE GENERATING

Prior to the issuance of any building or grading permits, the applicant shall obtain the approval of the Manager, Building Permits Services of an acoustical analysis report and appropriate plans which demonstrate that the noise levels generated by this project during its operation shall be controlled in compliance with Orange County Codified Ordinance, Division 6 (Noise Control). The report shall be prepared under the supervision of a County-certified Acoustical Consultant and shall describe the noise generation potential of the project during its operation and the noise mitigation measures, if needed, which shall be included in the plans and specifications of the project to assure compliance with Orange County Codified Ordinance, Division 6 (Noise Control).

TRAFFIC

55. SG SG G

SIGHT DISTANCE

Prior to the issuance of any grading permits, adequate sight distance shall be provided at all street intersections per Standard Plan 1117, in a manner meeting the approval of the Manager, Subdivision and Grading. This includes any necessary revisions to the plan such as removing slopes or other encroachments from the limited use area.

56. SG SG R

PVT ST NOTIF

Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), a note shall be placed on the map that states:

"The private streets constructed within this map shall be owned, operated and maintained by the developer, successors or assigns. The County of Orange shall have no responsibility therefore unless pursuant to appropriate sections of the Streets and Highways Code of the State of California, the said private streets have been accepted into the County Road System by appropriate resolution of the Orange County Board of Supervisors."

57. SG CP R

GUARANTEED ACCESS

A. Prior to the recordation of a final tract/parcel map, a method or procedure to assure a guaranteed right of vehicular and pedestrian access to all building sites for all parcels shall be submitted by the project proponent and approved by the Manager, Current Planning Services Division. Said method or procedure shall be recorded.

B. Prior to the issuance of any building permits, a copy of the recorded document shall be furnished to the Manager, Current Planning Services Division.

58. SG SG R PUBLIC IMPROVEMENTS
Prior to the recordation of a final tract/parcel map, the following improvements shall be designed and constructed in accordance with plans and specifications meeting the approval of the Manager, PDSD Subdivision & Grading Services Division:
A. Streets, bus stops, street names, signs, striping and stenciling.
B. The water distribution system and appurtenances which shall also conform to the applicable laws and adopted regulations enforced by the Orange County Fire Authority.
C. Underground utilities (including electrical and telephone), streetlights, and mailboxes.
59. SG SG B MAJOR THOROUGHFARE AND BRIDGE FEE PROGRAMS
Prior to the issuance of a building permit, the applicant shall pay fees as prescribed in the Major Thoroughfare and Bridge Fee Program for the San Joaquin Hills Transportation Corridor.

BUYER NOTIFICATION

60. SG SG B GROWTH MANAGEMENT
Building permit issuance shall be phased in accordance with any Board of Supervisors-approved growth management phasing plan pertaining to the property which includes a development agreement pertaining to the property which includes a development phasing plan shall satisfy the requirements of this condition. This condition shall be noted on the final map.
61. AP AP B BUYER NOTIF MAP
Prior to the issuance of any building permits for residential construction, the developer shall comply with Board of Supervisors Resolution 82-1368 (Buyer Notification Program) which requires the developer to prepare a map denoting the existing and proposed land uses, arterial highways, and public facilities within the surrounding area for the approval of the Director of Planning. The map content, display, and distribution shall be in accordance with the Buyer Notification Program guidelines approved by the Board of Supervisors and available at the Development Processing Center.
62. EP EP B HOMEOWNER NOTIF
First time homebuyers shall be clearly advised in writing with a statement by the developer, or agents or assigns, of the implications of living adjacent to natural open space areas, prior to any sales transactions. This statement shall be approved by the Manager, Environmental and Project Planning Services prior to the issuance of building permits. It shall include items such as: a warning about the dangers and nuisances posed by wildlife that may forage in the development edge; the responsibilities and benefits that are associated with living near such an area; and fire related management and the potential need to conduct controlled burns. This statement shall be written to foster an appreciation of wildlife and to identify measures that shall be taken to minimize conflicts between wildlife, domestic animals, and humans, such as restricting free roaming domestic cats. Restrictions and minimization measures shall also be included in the Covenant, Codes and Restrictions on the properties.

SPECIAL TAX NOTIFICATION

63. TE BI U SPEC TAX NOTIF
Prior to the issuance of any certificates of use and occupancy, the developer shall provide evidence to the Manager, Building Inspection, that the Department of Real Estate has been notified that the project area is within the boundaries of a Community Facilities District (CFD), and will be subject to special taxes for public facilities and/or services.
64. DS DS R ASSESSMENT DISTRICT FINANCING
Prior to the recordation of a final tract/parcel map, the subdivider shall prepare any required improvement plans and shall identify on the plans the limits of all the facilities which the subdivider intends to fund through a

Mello-Roos Community Facilities District (CFD) or Assessment District (AD) bond program. In addition, the improvement plans shall identify the specific CFD or AD under which the improvements will be funded, in a manner meeting the approval of the Manager, Subdivision and Grading.

MCDP 7TH AMENDMENT

65. CP CP MCDP 7TH AMENDMENT
Conditions of approval applicable from the Master Coastal Development Permit (MCDP) - 7th Amendment remain in full force and effect with this Coastal Development Permit approval.
66. CP CP COASTAL COMMISSION CDP ISSUANCE REQUIRED
No grading or building permits authorized by this planning application shall be issued prior to the issuance of the applicable Coastal Development Permit by the California Coastal Commission (A5-IRC-99-301). Any grading or building permit issued shall be in substantial conformance with Coastal Development Permit A5-IRC-99-301 and this Coastal Development Permit, to the satisfaction of the Manager, Current Planning Services Division.
67. CP CP S MODEL HOME COMPLEX
Prior to the issuance of a precise grading permit for a model home complex, an approved Site Development Permit is required for the model home complex.
68. CP SG B GARAGE ENTRY LOCATION
Point of vehicular entry into any garage shall be 7 feet or less or 18 feet or more from the back of sidewalk, or back of curb if there is no sidewalk, and shall be equipped with roll-up garage doors and automatic garage door openers, in a manner meeting the approval of the Manager, Subdivision and Grading Services Division.